

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENERGY BRANDS INC., d/b/a GLACÉAU,  
Plaintiff,

-V-

ECOSESENTIALS LLC,  
Defendant.

11 Civ. 6940 (DLC)

## ORDER

DENISE COTE, District Judge:

As set forth at the pretrial conference held pursuant to Rule 16, Fed.R.Civ.P., on October 20, 2011, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. By **October 27, 2011**, the defendant must identify to the plaintiff the specific labeling it intends to use for its product.
2. On **November 14, 2011** by noon, the parties shall file: (a) Proposed Findings of Fact and Conclusions of Law; (b) those portions of depositions that are being offered as substantive evidence, along with a one-page synopsis (with transcript citations) of such testimony for each deposition; and (c) a Memorandum of Law.
3. At the same time, the parties shall serve, but not file, affidavits constituting the direct testimony of their witnesses, except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at hearing.
4. At the same time, the parties shall provide the Court with two (2) courtesy copies of all these documents, as well as one (1) set of hearing exhibits, pre-marked and assembled sequentially (a) in a looseleaf binder, or (b) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.
5. Three days after submission of the witness affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the hearing. Affiants for whom such notice is not given are not required to be present at the hearing.
6. The final prehearing conference is scheduled for **November 18, 2011 at 4 p.m.** in Courtroom 11B, United States Courthouse, 500 Pearl Street, New York, New York.

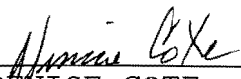
IT IS ORDERED that the preliminary injunction hearing will begin at **10 a.m.** on **November 21, 2011**.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the hearing:

1. All exhibits must be pre-marked.
2. At the start of the hearing, each party shall provide the Court with three (3) copies of a complete exhibit list.
3. Counsel should make certain that they retain custody of all original exhibits, including the affidavits composing the direct testimony. The Court does not retain them and the Clerk is not responsible for them.

SO ORDERED:

Dated: New York, New York  
October 20, 2011

  
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DENISE COTE  
United States District Judge